**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Civil Contempt Petition No. 11 of 2005**

Subhash Chand
S/o Palto Ram
Presently Posted as Attendant,
Maintenance Division (Electrical)
P.I.H. Roorkee, District Haridwar
R/o Village Malakpur Major
P.O. Dhanderi, P.S. Kotwali Roorkee,
District Haridwar.

…… Petitioner

**Versus**

Mr. K.D. Sharma,
Director National Institute of Hydrology
Roorkee, District Haridwar.

…….. Respondent

Mr. Navneet Kaushik, learned counsel for the petitioner.
Learned Standing Counsel for Union of India for respondent.

**Hon'ble Prafulla C. Pant, J.**

Heard learned counsel for the parties.

2) This is a Contempt Petition moved under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971, by the petitioner, alleging wilful disobedience on the part of the respondent K.D. Sharma, Director National Institute of Hydrology, Roorkee, District Haridwar, relating to the order dated 24.12.2004, passed in Writ Petition No. 1612 (S/S) of 2004, whereby it was directed that respondent No. 1 (Union of India) would decide appeal of the petitioner within three months from the date of production of certified copy of the order. It was further directed that till the appeal is decided, recovery shall not be made from the petitioner.

3) Supplementary counter affidavit filed by the respondent (in this petition) shows that the respondent No. 1 (in the writ petition) i.e Union of India has disposed of the appeal of the petitioner and order passed in said appeal, which is annexed with the supplementary counter affidavit, shows that the appeal has been allowed and it has been directed that after supplying copy of the enquiry report to the delinquent officer (petitioner), further proceedings would be drawn. As such, there appears no contempt committed by the respondent No. 1 (in the writ petition). However, learned counsel for the petitioner argued that Mr. K.D. Sharma (respondent in present contempt petition) has committed contempt by deducting the amount for eight months before the appeal was allowed.

4) Learned counsel for the present respondent made efforts to explain that the direction not to recover the amount was not passed against the answering respondent. I am unable to agree with the submission made by learned counsel for the respondent for the reason that Director, National Institute of Hydrology, Roorkee, was respondent No.3 in the writ petition and the said authority was fully bound by the order passed on 24.12.2004 in the Writ Petition No. 1612 (S/S) of 2004. Since the appeal of the petitioner has already been allowed and no more amount is being recovered from the petitioner, and the answering respondent has tendered unconditional apology in the counter affidavit filed of 21st March, 2005, in view of said fact, this Court accepts the apology of the answering respondent.

5) With this observation, the contempt petition is disposed of and notices issued against the respondent are discharged.

**(Prafulla C. Pant, J.)**

**Dt.: 1st March, 2006**
**H. Negi**